

ORDINANCE NO. 2003 - 047

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT 2003-0002 SCA (BELVEDERE COMMERCE CENTER II); MODIFYING PAGE 63 OF THE FLUA BY CHANGING A PARCEL OF LAND TOTALING APPROXIMATELY 7.39 ACRES GENERALLY LOCATED ON THE SOUTHEAST CORNER OF BELVEDERE AND SANSBURY'S WAY, FROM INDUSTRIAL (IND) TO COMMERCIAL HIGH (CH); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on November 15, 2002, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as

1 the governing body of Palm Beach County, conducted a public hearing  
2 pursuant to Chapter 163, Part II, Florida Statutes, on September 17,  
3 2003, to review the recommendations of the Local Planning Agency and  
4 to consider adoption of the amendments; and

5 WHEREAS, the Palm Beach County Board of County Commissioners has  
6 determined that the amendment complies with all requirements of the  
7 Local Government Comprehensive Planning and Land Development  
8 Regulation Act.

9 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
10 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

11 Part I. Amendments to the Future Land Use Atlas of the Land Use  
12 Element of the 1989 Comprehensive Plan

13 The following amendment to the Future Land Use Element's Future  
14 Land Use Atlas is hereby adopted and is attached to this Ordinance:

15 A. Future Land Use Atlas page 64 is amended as follows:

16 Application No.: 2003-0002 SCA (BELVEDERE COMMERCE CENTER II)

17 Amendment: From Industrial (IND) to Commercial High (CH);

18 General Location: Southeast corner of Belvedere Road and  
19 Sansbury's Way;

20 Size: Approximately 7.39 acres;

21 Part II. Repeal of Laws in Conflict

22 All local laws and ordinances applying to the unincorporated area  
23 of Palm Beach County in conflict with any provision of this ordinance  
24 are hereby repealed to the extent of such conflict.

25 Part III. Severability

26 If any section, paragraph, sentence, clause, phrase, or word of  
27 this Ordinance is for any reason held by the Court to be  
28 unconstitutional, inoperative or void, such holding shall not affect  
29 the remainder of this Ordinance.

30 Part IV. Inclusion in the 1989 Comprehensive Plan

31 The provisions of this Ordinance shall become and be made a part  
32 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the  
33 Ordinance may be renumbered or relettered to accomplish such, and the  
34 word "ordinance" may be changed to "section," "article," or any other  
35 appropriate word.  
36  
37

1                    Part V. Effective Date

2                    This amendment shall not become effective until 31 days after  
3 adoption. If challenged within 30 days after adoption, this amendment  
4 shall not become effective until the state land planning agency or the  
5 Administration Commission, respectively, issues a final order  
6 determining the amendment is in compliance.

7                    **APPROVED AND ADOPTED** by the Board of County Commissioners of  
8 Palm Beach County, on the 17 day of September, 2003.

9  
10 ATTEST:

11 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

12  
13 By: Dinde C. Dickson  
14 Deputy Clerk

By: Karen T. Marcus  
Karen T. Marcus, Chair

15  
16  
17 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

18  
19 [Signature]  
20 COUNTY ATTORNEY

21  
22 Filed with the Department of State on the 22 day  
23 of September, 2003.  
24

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## EXHIBIT 1

**Amendment No.:** Belvedere Commerce Center II (2003-0002 SCA)

**FLUA Page No.:** 63

**Amendment:** From Industrial (IND) to Commercial High (CH).

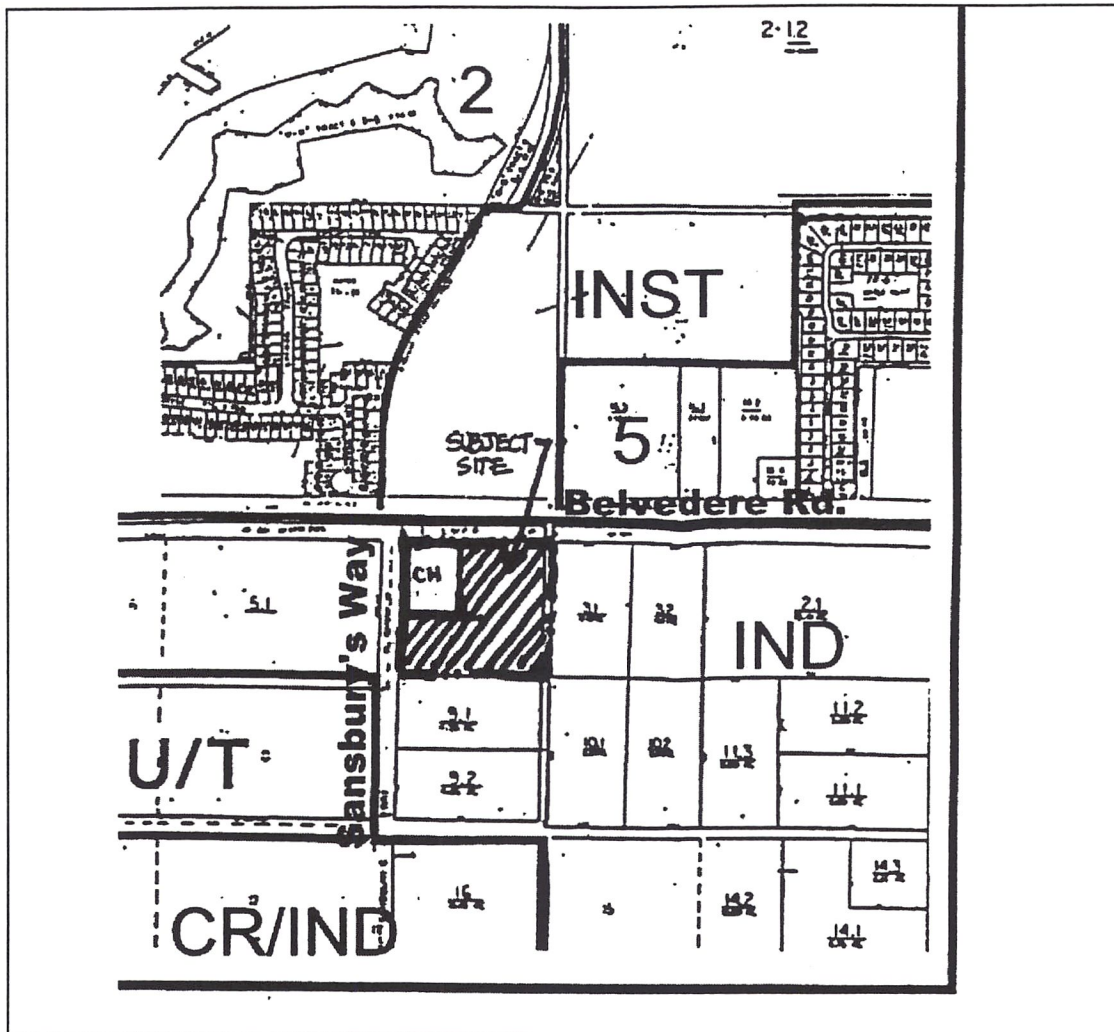
**Location:** Southeast corner of Belvedere Road and Sansbury's Way.

**Size:** Approximately 7.39 acres

**Property No.:** 00-42-43-27-05-007-0040 (a portion of a 8.77 acre parcel)

**Legal Description:** See attached

**Conditions:** None



### Legal Description:

A portion of Tract 4, Block 7, and a portion of the 30 wide abandoned right-of-way lying east of Tract 4, Block 7, PALM BEACH FARMS COMPANY PLAT NO. 3, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Page 45, being more particularly described as follows:

Commencing at the southwest corner of said Tract 4; Thence N.89°02'43"E. (as a basis of bearing) along the south line of Tract 4, a distance of 40.00 feet to the Point of Beginning; Thence continue N.89°02'43"E. along the south line of Tract 4 and its easterly prolongation, a distance of 649.16 feet to the southwest corner Tract 3, Block 7 and the East line of the 30 wide abandoned right of way (abandoned in Official Record Book 11561, Page 1840, public records of Palm Beach County, Florida) lying between Tracts 3 and 4; Thence N.00°57'17"W. along the West line of Tract 3 and the East line of said abandoned right-of-way, a distance of 585.87 feet; Thence S.88°59'36"W. along a line 74 feet south of and parallel with the easterly prolongation of the North line of Tract 4, a distance of 30.00 feet; Thence N.00°57'17"W. along the east line of Tract 4, a distance of 4.00 feet; Thence S.88°59'36"W. along a line parallel with and 70.00 feet south of the north line of Tract 4, a distance of 394.28 feet; Thence S.00°57'57"E. parallel with and 265.00 feet East of the West line of Tract 4, a distance of 270.00 feet; Thence S.88°59'36"W. parallel with and 340.00 feet South of the North line of Tract 4, a distance of 225.00 feet; Thence S.00°57'57"E. along a line parallel with and 40 feet East of the West line of Tract 4, a distance of 319.28 feet to the Point Of Beginning.

Containing 7.390 acres (321,882 square feet).

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on September 17, 2003.  
DATED at West Palm Beach, FL on 10/14/03.  
DOROTHY H. WILKEN, Clerk  
By: W. Jane Brown D.C.